

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
AT ABINGDON

RUBY GAIL COOK,

Plaintiff,

V.

WAL-MART STORES EAST, INC.

Defendant.

Case No. _____

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. § 1446, defendant Wal-Mart Stores East, Inc. (Wal-Mart) files this notice of removal to remove this action from the Circuit Court of Washington County (State Court) to the United States District Court for the Western District of Virginia at Abingdon, upon the following grounds:

1. Wal-Mart is the sole defendant in this civil action. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.
2. This controversy is between citizens of different states. The plaintiff is presently and was at the time the action was filed in State Court a citizen and resident of the State of Tennessee. Wal-Mart is presently and was at the time this action was filed as a corporation organized under the laws of the State of Delaware with its principal place of business in the State of Arkansas.

3. This case is within the jurisdiction of this Court pursuant to 28 U.S.C. § 1332, and is removable to this Court pursuant to 28 U.S.C. § 1441.

4. The Complaint filed in State Court was served upon Wal-Mart on or about July 16, 2019. A copy of the Complaint is attached hereto as Exhibit A. An answer has been filed in state court. That answer is attached as Exhibit B. No other pleadings have been filed by either party prior to the filing of this Notice.

5. Counsel for Wal-Mart certifies that he has this day given written notice of the filing of this notice of removal to the plaintiff, by counsel, and to the clerk of the State Court.

WHEREFORE, Wal-Mart gives this notice of removal in accordance with 28 U.S.C. § 1446.

WAL-MART STORES EAST, INC.

By Counsel

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By /s/ W. Bradford Stallard
W. Bradford Stallard

CERTIFICATE OF SERVICE

I hereby certify that on August 8th, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and that I have mailed a copy to John E. Jessee, Esq., Jessee, Read & Howard, P.C., 200 Valley Street NW, Abingdon, Virginia 24210, counsel for plaintiff.

/s/ W. Bradford Stallard

W. Bradford Stallard